

MEMORANDUM

TO: House Standing Committee Meeting Insurance, Rep. Pete Lund, Chair
FROM: Michelle Shafer RN
RE: Testimony; HB 4612
DATE: April 25, 2013

TESTIMONY

Dear Representatives,

I am a Registered Nurse and Medical Case Manager caring for traumatic brain injury and spinal cord injury patients under Michigan's no-fault system.

I am not in favor of HB 4612 for the following reasons:

3107C (1), (2), (3) notes Attendant Care changes limiting care to 16 hours per day. If 24 hour care is needed, it is only compensable if family or other household members render care 8 hours and an outside care provider renders care the other 16 hours.

Problem: Many patients do not have spouses or family members residing in their household. This Bill will limit patients to 16 hours of care, regardless of their need for 24 hour care, if they live alone.

Risk: The traumatic brain injury patients with memory loss and confusion are at a high safety risk for injury and death. The paraplegic and quadriplegic spinal cord injury patients, unable to reposition and transfer independently, are at high safety risk for injury and death.

3157(4) states "whether a charge is reasonable or whether a product, service, or accommodation is medically appropriate and medically necessary is a question of law to be decided by the court". This eliminates a trial by jury;

Problem: This makes the Bill unconstitutional. It is directly in opposition to the Seventh Amendment of the United States Constitution. The 7th Amendment guarantees the right for civil law trials by jury. It also guarantees the right to an appeal to federal courts.

The above criteria of HB 4612 sentences patients to medical complications, injury, and death and removes their constitutional rights. Vote NO!

Further, any insurance industry claims regarding the MCCA as unsustainable, have not been met, as the MCCA has yet to open its accounting, as mandated by Ingham County Courts and the Court of Appeals. The people of Michigan await a review of the MCCA accounts for an objective and factual determination on sustainability. Vote NO!

Thank you very much,
Michelle